REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 1, 2005. Claims 1, 8-14 and 16-38 are presently pending in the application with claims 1, 21, 23 and 36-38 being in independent form. By the present Amendment, claims 1, 8, 11, 13, 16, 21, 22, 23, 26, 28, 32 and 36-38 have been amended in order to clarify the features of the present application. Claims 2-7 were previously canceled and claims 14, 17, 19-20, 24-25, 27, 29-30 and 34-35 are canceled herein without prejudice or disclaimer.

Applicant appreciates the Examiner's continued thorough search in examination of the present application.

The Office Action has continued the rejection of claims 1, 8-14 and 16-36 on the bases of the assertion that the subject matter of these claims is anticipated by U.S. Patent No. 6,754,279 to Zhou et al. Applicant respectfully traverses this rejection.

Applicant's amended independent claim 1 defines an image capturing device that includes "a camera capturing a moving image including images of objects through a lens unit; a compressing section which compresses the moving image captured by the camera and obtains information relating to at least one of the objects included in the moving image, by utilizing interframe correlation in the moving image captured by the camera; a digital processing circuit extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image," and "a CPU setting an imaging condition for capturing the still image of the object based on the information relating to the object extracted by the digital processing circuit.

Applicant's other independent claims, namely claims 21, 23 and 36-38 include similar features. Applicant respectfully submits that Zhou et al. does not teach or suggest the elements of Applicant's claim 1 (or the other independent claims) and therefore Zhou et al. does not anticipate Applicant's claim 1. In a nutshell, data developed in the moving image is being used in the processing of a still image. The prior art does not disclose this feature.

Zhou et al., as understood by Applicant, relates to a digital still camera capable of video and audio synchronous reproduction. Zhou et al. discloses a CCD 150 serving as an imager, a burst mode compression device which compresses image information from the CCD and SDRAM which stores compressed data, a DSP section which processes image data and a RISC processor which supports an operating system and an NTSC/PAL encoder which includes OSD (on-screen display).

The on-screen display reads on-screen display data (OSD data) which is stored in the SDRAM and mixes with video and output the mixture of data and video via the NTSC/PAL encoder.

Zhou et al., however, fails to disclose an image capturing device that "includes a compressing section which compresses the moving image captured by the camera and obtains information relating to at least one of the objects included in the moving image, by utilizing interframe correlation in the moving image captured by the camera; a digital processing circuit extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the objects obtained by the compressing section relative to the moving image" and "a CPU setting an imaging condition of the camera for capturing the still image including the object based on the information relating to the object extracted by the digital processing circuit."

As has been previously discussed, the claimed "object" in the present application relates to a tangible subject, such as an aircraft or an automobile, for example, that is included in the moving image. Information related to the claimed object is obtained by the compressing section utilizing interframe correlation as described in amended claim 1.

In response to Applicant's previous arguments, in paragraphs 2-4 of the Office Action, the Examiner cites to column 41, lines 60-67 and column 42, lines 1-5 to support the position that Zhou teaches extracting objects of a moving image with corresponding extracted information in a format for video blending. The examiner further cites to column 42, lines 19-25 as reciting the size, shape and color of the shape of an object. Applicant has carefully reviewed the cited passages and disagrees with the Examiner's characterizations.

First, with regard to column 41, lines 60-67 and column 42, lines 1-5, Zhou teaches color blending on the *pixel* level, which is distinct from the *object* level. A "pixel" is not a visually perceivable object. As disclosed in Zhou et al., the amount of blending of each pixel is determined by a blending factor, which is patentably distinct from Applicant's claimed features of obtaining "information relating to at least one of the objects included in the moving image, by utilizing interframe correlation in the moving image captured by the camera" and extracting "information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image," as recited in amended claim 1 of the present application, for example.

Second, with regard to column 42, lines 19-25, Zhou teaches use of a hardware *cursor* which enables a *user* to specify size and color of a shape. Applicant respectfully submits that Zhou's hardware cursor is patentably distinct from applicant's claimed features of obtaining "information

relating to at least one of the objects included in the moving image, by utilizing interframe correlation in the moving image captured by the camera" and extracting "information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image," as recited in amended claim 1 of the present application. Instead, in Zhou et al., a user navigates a cursor around an image to effect transparency and blending.

In paragraph 6 of the Office Action, the Examiner contends that column 40, lines 35-67, column 41, lines 20-47 and column 42, lines 55-60 of Zhou et al. disclose the claimed features of obtaining and extracting information related to the object. Applicant respectfully disagrees.

Column 40 of Zhou et al. discloses results of experiments used to compare buffer schemes for storing bit streams generated using an MPEG 1 video encoder. Thus, while column 40 of Zhou et al. may indirectly disclose utilizing interframe correlation by reference to MPEG1 encoding, Zhou et al. does not disclose obtaining information relating to the object included in the moving image or extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image, as required by amended claim 1.

Column 41 of Zhou et al. describes the OSD section, that is, the on-screen display section. In particular, column 41 discloses that OSD data is read from the SDRAM 160 and output to NTSC/PAL encoder 106. Column 41 further discloses that blending and transparency on a pixel level is also supported. Zhou et al., however, fails to provide a definition for the OSD data, fails to disclose how the OSD data is obtained and fails to disclose which unit is responsible for obtaining the OSD data. In accordance with Zhou et al., the only meaning that can be attributed to the OSD data is that it is data used to display an image on a display. Zhou et al. does not disclose obtaining information relating to the object included in the moving image or extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image.

Further, column 42, lines 55-60 of Zhou et al. relate to an On-chip Programmable PLL and other components that are incorporated into a digital signal processing function in Zhou et al. Thus, while column 42 discloses that image date may be processed, Zhou et al. fails to disclose obtaining information related to the objects included in the moving image and extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image.

Since Zhou et al. fails to disclose extracting information relating to the object which is being included in a still image to be captured by the camera from the information relating to the object obtained by the compressing section relative to the moving image, Zhou et al. cannot disclose the claimed CPU setting an image condition of the camera for capturing the still image including the object based on the information relating to the object extracted by the digital processing circuit as required by amended claim 1.

Accordingly, it is respectfully submitted that claim 1 and the claims depending therefrom are patentable Zhou et al. for at least the reasons described above. Similarly it is respectfully submitted that claims 21 and 37 are patentable over Zhou et al. since claims 21 and 37 include the patentable distinct elements of claim 1 described above. Claims 23, 36 and 38 are also believed to be patentable over Zhou et al. for reasons at least similar to those described above with regard to claim 1.

Thus, each of the aforementioned independent claims clearly distinguishes over the prior art and certainly cannot be stated to be anticipated thereby. The remaining dependent claims in the application include all of the limitations of the aforementioned independent claims and impose further limitations thereon which distances each of them even further from the prior art. Accordingly, each claim in the application is submitted to be clearly patentable.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claim as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: February 1, 2006

Respectfully submitted,

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